We submit that this is the type of irreconcilable and embarrassing conflict, which warrants the intervention of the Court herein. It is further submitted that we have shown substantial grounds for reconsideration by this Court of the prior action on denying review herein. We have shown that since the filing of the petition herein there have been developments of supervening importance indicating a substantial change of position of this Court which warrants reconsideration of this case in the interest of substantial justice and uniformity of the decisions and determinations of this Court.

Conclusion

The petition for rehearing should be granted, the denial of certiorari vacated and the petition for certiorari granted.

Respectfully submitted,

ARTHUR D. GOLDSTEIN,
Counsel for Petitioner,
217 Broadway,
New York 7, New York.

Certificate of Counsel

I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 58 of the Rules of this Court.

ARTHUR D. GOLDSTEIN,
Counsel for Petitioner,
217 Broadway,
New York 7, New York.

Certificate of Service

I hereby certify that the foregoing petition and motion were served upon the Solicitor General by depositing copies thereof in a first class postpaid wrapper addressed to him at his office.

ARTHUR D. GOLDSTEIN,
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217 Broadway,
New York 7, New York.